

SECTION 00 00 20

PROPOSAL FORM

To: Milam County  
Cameron, Texas

Re: RFP for Milam County Rehabilitation, Architexas Project No. 1944

The undersigned offeror ("Offeror") submits this Proposal for the performance of the Work of construction, alteration or repair (the "Work") described as follows:

**Milam County Rehabilitation, Architexas Project No. 1944**

The undersigned Offeror has carefully examined and considered the Project Site and relevant conditions and circumstances for the Work, information and requirements set out in the Request for Proposals, the Drawings and Specifications, and the requirements of the proposed Contract Documents, including the Agreement For Construction, the General Conditions and the Notice of Prevailing Wage Rates, in making this Proposal. Capitalized terms used but not otherwise defined in this Proposal Form shall have the same meanings as designated in the Request for Proposals.

**A. Proposal Terms**

Based on the foregoing, the undersigned Offeror hereby offers and proposes to perform the Work, in accordance with the Contract Documents, for the Contract Amount based on the Pricing Schedule set forth below, within the Substantial Completion Date proposed below.

**1. Pricing Schedule**

Express in words and numbers.

Base Proposal THREE million ONE hundred forty five Thousand dollars  
(\$ 3,145,000 )

**2. Substantial Completion Date**

Offeror will achieve Substantial Completion of the Work within the following calendar days after a Notice to Proceed is issued:

Two hundred twenty five calendar days

\_\_\_\_\_ Days ( 225 ).

**3. Liquidated Damages**

Milam County shall have the right under the Contract to assess liquidated damages in the amount of \$200 per day for each and every calendar day beyond the Substantial Completion Date set out in the Contract that the Work fails to be substantially complete

**4. Overhead and Profit for Changes in the Work:** The following percentages will be used to determine the amount of overhead and profit to be added to Offeror's costs for changes in the Work ordered by the Owner:

A. For Work performed by Contractor's own forces:

Overhead: 6 percent Profit: 4 percent

B. For work performed by a subcontractor and supervised by Contractor:

Overhead: 6 percent

Profit: 4 percent

5. **Alternates:** Bidder proposes the following alternate pricing:

- A. Alternate No. 1: Repave East Parking Lot \$ 99,700 Lump Sum
- B. Alternate No. 2: Repave West Parking Lot \$ 86,300 Lump Sum
- C. Alternate No. 3: Provide ADA Parking Adjacent to North Entry  
\$ 6,498.00 Lump Sum
- D. Alternate No. 4: Replace Existing Roof Mounted Outdoor Air Handling Unit  
\$ 94,900 Lump Sum
- E. Alternate No. 5: Provide 2<sup>nd</sup> Chiller \$ 118,000 Lump Sum
- F. Alternate No. 6: Provide Lightning Protection System \$ 33,800 Lump Sum
- G. Alternate No. 7: Replace Gyp. Board Ceilings in Kitchen Area  
\$ 14,235.00 Lump Sum
- H. Alternate No. 8: Selective Exterior Work at Convent \$ 43,385.00 Lump Sum
- I. Alternate No. 9: Asbestos Abatement at Convent \$ 23,000.00 Lump Sum
- J. Alternate No. 10: Replace Water Closet and Lavatory Fixtures  
\$ 28,500 Lump Sum
- K. Alternate No. 11: Replace Existing Door Assemblies \$ 33,580.00 Lump Sum

6. **Allowance Schedule:** Bidder acknowledges the following allowances:

- A. Allowance No. 1: Additional Rough & Finish Carpentry Repairs at the Exterior of the Convent Building \$ 15,000 Lump Sum
- B. Allowance No. 2: Fireproofing Structural Frame \$ 52,000 Lump Sum

B. **Enclosed Documents**

The following are enclosed with this completed Proposal:

- 1. A Proposal Guaranty in the amount of 5% of the maximum total proposed Contract Amount (i.e. the sum of the Base Proposal and all additive Alternates) in the form of either a cashier's check payable to Milam County or a Proposal Bond on the required Proposal Bond Form.

C. **Offeror Representations and Certifications**

By signing and submitting this Proposal, the undersigned Offeror and person signing on its behalf certifies and represents to Milam County:

1. (i) Offeror has not offered, conferred or agreed to confer any pecuniary benefit or other thing of value as consideration for the recipient's decision, opinion, recommendation, vote or other exercise of discretion concerning this Proposal;

(ii) Offeror has not violated any state, federal or local law, regulation or ordinance relating to bribery, improper influence, collusion or the like, and Offeror will not in the future offer, confer, or agree to confer any pecuniary benefit or other thing of value to any officer, Trustee, agent or employee of Milam County in return for the person's having exercised official discretion, power or duty with respect to this Proposal.

2. All information contained in this Proposal, including the information provided in Section D below is, to the best of the undersigned's knowledge and belief, true, complete and accurate.
3. **OFFEROR WAIVES ANY CLAIM IT HAS OR MAY HAVE AGAINST THE ARCHITECT, ITS CONSULTING ENGINEERS, OR ANY OTHER CONSULTANTS, AND THEIR RESPECTIVE EMPLOYEES, OFFICERS, MEMBERS, DIRECTORS AND PARTNERS, AND MILAM COUNTY, ITS EMPLOYEES, OFFICERS, AGENTS, REPRESENTATIVES, AND THE MEMBERS OF ITS GOVERNING BODY, CONNECTED WITH OR ARISING OUT OF THIS REQUEST FOR PROPOSALS, INCLUDING, THE ADMINISTRATION OF THE REQUEST FOR PROPOSALS, THE PROPOSAL EVALUATIONS, AND THE SELECTION OF THE OFFEROR. SUBMISSION OF A PROPOSAL INDICATES OFFEROR'S ACCEPTANCE OF THE EVALUATION TECHNIQUE AND OFFEROR'S RECOGNITION THAT SOME SUBJECTIVE JUDGMENTS MUST BE MADE BY MILAM COUNTY DURING THE SELECTION PROCESS. WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, OFFEROR ACKNOWLEDGES THAT MILAM COUNTY SHALL DOCUMENT THE BASIS OF ITS SELECTION AND SHALL MAKE THE EVALUATIONS PUBLIC, AND OFFEROR WAIVES ANY CLAIM IT HAS OR MAY HAVE AGAINST THE ABOVE-NAMED PERSONS, DUE TO INFORMATION CONTAINED IN SUCH EVALUATIONS.**
4. Offeror has received the following Addenda to the Request for Proposals, but agrees and understands that it will be responsible for performing the Work in accordance with all terms and conditions in all Addenda issued in connection with the Request for Proposals, and that its Proposal will be construed to include all requirements of all such Addenda, whether or not identified below:

Addenda No. 1 dated June 4, 2020

Addenda No. 2 dated June 12, 2020

Addenda No. 3 dated June 17, 2020

Addenda No. 4 dated June 18, 2020

Addenda No. \_\_\_\_\_

5. Offeror (or its subcontractors/suppliers, as applicable) meets all of the Minimum Qualifications specified in Section 1.3 of the Request for Proposals.

**D. Offeror Information**

All of the following information must be provided by Offeror. Use additional sheets if necessary. If additional sheets are used, clearly indicate the question number to which you are responding. Responses must be typed or printed neatly. Illegible responses will not be considered. The Offeror is also sometimes hereinafter referred to below as the "organization" or the "company."

**1. General Information**

1.1 Name of Offeror: Northstar Elite Construction & Consulting, LLC

1.2 Name of Project: Milam County Annex Rehabilitation

1.3 Address of office from which Offeror will conduct the Work:  
36250 FM 3159  
New Braunfels, TX 78132

1.4 Offeror's Contact Person for this Work:  
Name: Ryan Penlerick  
Address: 36250 FM 3159, New Braunfels, TX 78132  
Phone: 830-885-6833  
Fax:

1.5 Offeror's Home Office Address: 36250 FM 3159  
New Braunfels, TX 78132

1.6 Does any relationship exist between the Offeror, its officers, principals, or employees and any of Milam County's officers, or employees?

☐ YES ☒ NO

If yes, please explain.

1.7 Principal Business:  
X General Construction  Mechanical/Electrical/Plumbing  
 Demolition  Interior Finish-out  
 Other   
(Please specify)

1.8 Licensing/Certifications for Prime Contractors:

List trade categories in which your organization is legally qualified to do business in Cameron, Texas, and indicate registration or license numbers, as applicable.

Not applicable

1.9 Minimum Qualifications:

To the extent not otherwise described in Section 1.8 above, describe your organization's compliance with all Minimum Qualifications set forth in Section 1.3 of the Request for Proposals and include all necessary attachments evidencing same.

Please see attached supporting documentation

1.10 Work to be Performed on this Project by Offeror's Own Forces:

List the general categories of work that your organization intends to perform on this Project using its own forces.

Supervision, project management, rough carpentry, punchlist completion

**2. Organization**

2.1 How many years has your organization been in business as a contractor?

10 Years

2.2 How many years has your organization been in business under its present business name?

10 Years

2.3 Under what other or former names has your organization operated?

Name

Years

Name

Years

~~2.4 If your organization is a corporation, answer the following:~~

~~2.4.1 Date of incorporation: \_\_\_\_\_~~

~~2.4.2 State of incorporation: \_\_\_\_\_~~

~~2.4.3 President's name: \_\_\_\_\_~~

2.5 If your organization is a limited liability company, answer the following:

2.5.1 Date of organization: June 2010

2.5.2 State of organization: Texas

2.5.3 President's, Manager's or Managing Member's name: Ryan Penlerick

~~2.6 If your organization is a partnership, answer the following:~~

~~2.6.1 Date of organization: \_\_\_\_\_~~

~~2.6.2 Type of Partnership: \_\_\_\_\_~~

~~2.6.3 Name(s) of general partner(s): \_\_\_\_\_~~

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

~~2.7 If your organization is individually owned, answer the following:~~

~~2.7.1 Date of organization: \_\_\_\_\_~~

2.7.2 Name of owner: \_\_\_\_\_

2.8 For all business entities other than publicly held corporations, please provide the following:

2.8.1 Award to Nonresident Bidders

Is your business organized under the laws of the State of Texas?

☒ YES ☐ NO

What is the location of your principal place of business?  
New Braunfels, TX

Proposals from nonresident contractors shall be evaluated according to Tex. Gov. Code § 2252.002.

2.9 Is your company currently for sale or involved in any transaction to expand or to become acquired by another business entity? If yes, please explain the impact both in organizational and directional terms. No

### 3. Relevant Experience

3.1 On the attached Table A, list all projects your company has in progress and provide all additional information requested.

3.2 On the attached Table B, list all county government projects that your company has completed in the past five (5) years, and provide all additional information requested.

3.3 On the attached Table C, list all non-county government projects your company has completed in the past five (5) years and provide all additional information requested.

### 4. Past Performance

Claims and Suits. (If the answer to any of the questions below is yes, please attach details not to exceed one page for each of the following questions.)

4.1 Has your organization ever failed to complete any work awarded to it? (If yes, attach details.)

☐ YES ☒ NO

4.2 Are there any judgments, claims, arbitration proceedings or suits (past, pending or outstanding) against your organization or its officers arising out of or in connection with your company's performance under a contract for construction management and/or construction services? (If yes, attach details, including a description of how such suits or claims were resolved, if applicable.)

☐ YES ☒ NO

4.3 Has your organization filed any law suits or requested arbitration with regard to construction contracts within the last five years? (If yes, attach details.)

☐ YES ☒ NO

- 4.4 Has your organization been assessed liquidated damages on a project in the last five (5) years? (If yes, attach details.)

☐ YES ☒ NO

- 4.5 Within the last five years, has any officer or principal of your organization ever been an officer or principal of another organization when it failed to complete a construction contract? (If yes, attach details.)

☐ YES ☒ NO

- 4.6 Trade References. Provide the following information for three trade references:

Company name: See attached supporting documentation

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Company name: \_\_\_\_\_

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

Company name: \_\_\_\_\_

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

## 5. Personnel

- 5.1 On the attached Table D, list the names of the key individuals [Project Manager, Construction Superintendent, Assistant Superintendent (if applicable)] of your organization which are proposed to be assigned to this Project and provide the additional information requested on Table D. For each key individual listed on Table D, provide a resume (not to exceed 2 pages) which includes the key individual's construction experience and a description of his/her qualifications and experience relative to the Project.

## 6. Financial

- 6.1 Bank References. Provide the following information for one Bank reference:

Company name: See attached supporting documentation

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

- 6.2 Surety:

- 6.2.1 Name of your organization's bonding company:

See attached supporting documentation

- 6.2.2 Name, address and phone number of agent:

Company name: See attached supporting documentation

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

6.3 Financial Statement. All statements submitted will be used exclusively by Milam County in the evaluation of the award of the contract on the underlying project. Statements will be kept confidential to the extent permitted by law.

6.3.1 Attach an audited or reviewed financial statement, including an independent auditor's report, balance sheet, income statement, and the related notes to the financial statement. Financial statements that are more than one year old are not acceptable.

6.3.2 Name and address of firm preparing attached financial statement, and date thereof:

Company name: See attached supporting documentation

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Telephone: \_\_\_\_\_

6.3.3 If financial statements for an affiliate of the organization are also attached, will such organization act as guarantor of the contract for construction?

☐ YES ☐ NO

6.4 State whether your company is currently in default on any loan agreement or financing agreement with any bank, financial institution, or other entity? If yes, specify date(s), details, circumstances, and prospects for resolution.  
No

6.5 State whether your company is currently contemplating or has pending a petition in bankruptcy for debt relief, or whether a creditor has threatened to file an involuntary petition against Offeror.  
No

**7. Safety Record**

7.1 Please provide the following information in connection with your organization's safety record:

7.1.1 A one page maximum discussion of your company's approach to maintaining a safe work environment.

7.1.2 A one page maximum discussion of your company's history of worker's compensation claims or other claims relating to project safety for the past 5 years.

**8. Attendance of Pre-Proposal Conference**

8.1 As an offeror, did your company attend the pre-proposal conference?

☒ YES ☐ NO

Attendee(s):

Kenny Ewings

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Executed as of this 19<sup>th</sup> day of June, 2020.

Offeror: Northstar Elite Construction & Consulting, LLC

Address: 36250 FM 3159

City, State, Zip Code: New Braunfels, TX 78132

By: \_\_\_\_\_

Name: Ryan Penlerick

Title: President

Date: June 19, 2020

Telephone: 830-885-6833